

SECTION 14 - IMPLEMENTATION OF NEPA

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14 IMPLEMENTATION OF NEPA

Synopsis

This section is designed to provide guidance on the requirements of the National Environmental Policy Act (NEPA) as it impacts NWS facility or work site operations. The section applies to all NWS facilities and work sites.

Initial Implementation Requirements:

- C Compare Site/Facility Operations with the Requirements of this Section**
 - S** Identify facility/work site plans that may have environmental impacts *(14.6)*
 - S** Contact RECO, NWS Responsible Program Manager and/or NOAA NEPA Coordinator to determine if the proposed action is deemed a categorical exclusion *(14.6.1)*
 - S** If no, prepare an environmental assessment (EA) to determine if action will significantly affect the environment *(14.6.2)*
 - S** If no, issue a Finding of No Significant Impact (FONSI) *(14.6.2)*
 - S** If yes, prepare an Environmental Impact Statement (EIS) *(14.6.3)*
 - S** Prepare public notices and conduct a public hearing if necessary *(14.6.3)*
 - S** Prepare public record which explains the final decision and how the findings of the EIS were addressed *(14.6.3)*

Recurring and Annual Task Requirements:

- C Review New Projects for Applicability of NEPA**

Checklist

14 Implementation of NEPA	YES	NO	N/A
1. Is the facility planning a project which qualifies for a Categorical Exclusion (CE) per the checklist in Attachment A?	_____	<input type="checkbox"/>	_____

14 IMPLEMENTATION OF NEPA

14.1 Purpose and Scope

This section is designed to provide guidance on the requirements of the National Environmental Policy Act (NEPA) as it impacts NWS facility or work site operations. The section applies to all NWS facilities and work sites.

14.2 Definitions

Categorical Exclusion (CE) - an action which the agency has determined will not have any significant environmental effect and hence will not require application of the NEPA process.

Environmental Assessment (EA) - a document that determines whether a proposed or planned action will significantly affect the environment.

Environmental Impact Statement (EIS) - a detailed evaluation of a proposed action and its alternatives.

14.3 Acronyms Employed in This Section

CAA	-	Clean Air Act
CE	-	Categorical Exclusion
CZMA	-	Coastal Zone Management Act
EA	-	Environmental Assessment
EIS	-	Environmental Impact Statement
ESA	-	Endangered Species Act
FONSI	-	Finding of No Significant Impact
MPRSA	-	Marine Protection, Research and Sanctuaries Act
NAO	-	NOAA Administrative Order
NEPA	-	National Environmental Policy Act
NHPA	-	National Historic Preservation Act
NOAA	-	National Oceanic & Atmospheric Administration
NWS	-	National Weather Service
NWSH	-	National Weather Service Headquarters
PPA	-	Pollution Prevention Act
RECO	-	Regional Environmental Compliance Officer
ROD	-	Record of Decision

14.4 Regulatory Requirements

a. Federal

The National Environmental Policy Act (NEPA)

Under NEPA, the EPA created a process which requires all Federal agencies to evaluate the historic, socioeconomic and environmental consequences of “major actions” using a process that requires input from the public when environmental impacts could result. These regulations are found in 40 CFR Chapter V, Parts 1500 to 1517.

NEPA encompasses a wide variety of existing environmental legislation including, but not limited to, the: Clean Air Act (CAA), Clean Water Act (CWA), Coastal Zone Management Act (CZMA), National Historic Preservation Act (NHPA), Marine Protection, Research and Sanctuaries Act (MPRSA), Pollution Prevention Act (PPA) and the Endangered Species Act (ESA).

The NEPA review process could be required if a NWS facility or work site plans to:

- (1) construct, modify or rehabilitate a building or property
- (2) implement changes in facility siting or perform a significant redistribution of staff
- (3) make changes that will alter the prevailing land use.

b. State

Some States have enacted legislation that mirrors the Federal statutes. NWS facilities or work sites will need to contact the NWS Regional Environmental/Safety Coordinator and/or the NOAA Regional Environmental Compliance Officer (RECO) to determine the applicability of State requirements.

c. NOAA Orders

The National Oceanic and Atmospheric Administration (NOAA) has promulgated NOAA Administrative Order NAO-216-6, “Environmental Review Procedures for Implementing the National Environmental Policy Act.” This order, which was effective on May 20, 1999, explains how NOAA will comply with the NEPA requirements. The order creates the role of the “NEPA Coordinator” and tasks this individual with “ensuring NEPA compliance for NOAA.” Assigned to the NOAA Office of Strategic Planning, the NEPA Coordinator is assigned to assist Line, Staff and Program Offices in establishing “categorical exclusions,” defining what is a “significant action” and providing consultation on NEPA matters.

14.5 NEPA Requirements

Under Section 102 of the law, Federal agencies must incorporate environmental consideration in their planning and decision-making. All Federal agencies are now required to prepare detailed statements assessing the environmental impact of major Federal actions that could significantly affect the environment and the alternatives to this action.

These statements are termed environmental impact statements (EISs).

14.6 The NEPA Process

The NEPA evaluation process involves three levels of analysis:

- a. categorical exclusion determination
- b. preparation of an environmental assessment (EA) and a finding of no significant impact (FONSI)
- c. preparation of an environmental impact statement (EIS).

As defined in NOAA Administrative Order NAO-216-6, the NOAA NEPA Coordinator, working with Line, Staff and Program Offices and their designated Responsible Program Managers (RSMs), will establish categorical exclusions and establish or define the criteria used to define “significant.”

14.6.1 Categorical Exclusion (CE)

A number of Federal agencies have developed lists of actions which are normally excluded from environmental evaluation under the NEPA regulations. Although in administrative order NAO-216-6, NOAA has not included a list of categorical exclusions (CEs), it has provided the criteria for evaluating when an action can be designated a CE in Section 6.03 of the order. In addition, Section 6.03c.3 of the order provides categories of projects or actions that normally do not have the potential for a significant impact on the quality of the human environment. This document can be accessed at <http://www.rdc.noaa.gov/~nao/216-6.html>.

A NWS facility or work site planning an action that is deemed to meet the requirements for a categorical exclusion would have no further requirements under NEPA except to document the CE and submit a copy to the RECO.

14.6.2 Environmental Assessment (EA)

For this level of effort, the NWS will prepare a written environmental assessment to determine whether the planned or proposed action would significantly affect the environment. If the answer is no, the NWS will issue a finding of no significant impact (FONSI) in which the NWS may describe actions which will be taken to reduce or mitigate any potentially significant impacts. The NOAA Regional Environmental Officer (RECO) should be contacted prior to attempting to prepare the EA.

The EA will provide sufficient evidence and analysis to support either a finding of no significant impact (FONSI) or the determination that an environmental impact statement (EIS) will be required.

If the EA determines that the environmental effects of the proposed action may be significant, an EIS is then required to be prepared.

14.6.3 Environmental Impact Statement (EIS)

The EIS is a detailed evaluation of the proposed action and its alternatives. The public, other agencies and other outside parties may provide input into the preparation of the EIS and then provide comments on the draft EIS. Again, the NOAA RECO should be contacted prior to preparing the EIS.

If an action is expected to impact the environment or be controversial, the agency may choose to skip preparation of the EA and just prepare the EIS.

After the final EIS is prepared, the agency will then prepare a public record of decision (ROD) which describes how it addressed the findings of the EIS.

14.7 Application to NWS

While most NWS actions do not require scrutiny under the NEPA process, NWS Station Managers must be aware of this law's potential. Using the NWS Regional Environmental/Safety Coordinator, contact the NOAA Regional Environmental Compliance Officer (RECO) if there is any doubt about the environmental impacts of a proposed effort.

NOAA Administrative Order NAO216-6, Section 1.02b1 clearly explains that "a proposed action, in conceptual stages, does not require an environmental review until it has an established goal and is preparing to make a decision on how to establish that goal." At that stage, the proposed action is subject to environmental review.

To assist in defining which Federal actions may be considered “major” and potentially subject to NOAA’s control and responsibility, Section 6.01a of NAO216-6 defines the term “actions” to include: new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated or approved by NOAA; new or revised agency rules, regulations, plans, policies or procedures; and legislative proposals.

14.8 Responsibilities

14.8.1 NWS Headquarters (NWSH)

- a. The NWS Environmental/Safety Office shall perform an annual assessment of the NWSH facilities to ensure that the facilities are in compliance with this section.
- b. The NWSH Environmental/Safety Office shall periodically perform an assessment of the regional headquarters and field offices to ensure compliance with this section. The frequency of these regional and field office assessments shall be determined by the NWSH Environmental/Safety Office.
- c. Requests for clarification concerning this section shall be directed to the NWSH Environmental/Safety Office.

14.8.2 Regional or Operating Unit Environmental/Safety Coordinator

- a. Shall monitor and coordinate to promote compliance with the requirements of this procedure for the regional headquarters and field offices or operating units.
- b. Shall ensure that procedures are developed at regional headquarters or operating unit facilities to incorporate the NEPA process into the planning of “major actions”.
- c. Shall perform an annual assessment of the regional headquarters facilities or operating unit to monitor and promote compliance with the requirements of this section.
- d. Shall perform assessments or designate personnel to perform assessments of all field offices to monitor and promote compliance with the requirements of the section every two years.

14.8.3 Station Manager

- a. Shall have oversight over the implementation of this section and ensure that the

requirements of this section are followed by individuals at the NWS facility.

- b. Shall ensure sufficient personnel and funding are available to enable compliance with all applicable requirements of this section.
- c. Shall ensure that procedures are developed at NWS field offices to consider the environmental impacts of “major actions” early in the planning process.
- d. Shall ensure NWS employees follow the requirements of this section.
- e. Shall review or delegate review of this section on an annual basis to ensure that the facility is complying with its requirements. Confirmation of this review shall be forwarded to the Regional or Operating Unit Environmental/Safety Coordinator.
- f. Shall ensure that the NEPA process is included early in the planning of “major actions.”

14.8.4 Environmental or Environmental/Safety Focal Point or Designated Person

- a. Shall ensure that any tasks delegated to them by the Station Manager are implemented in accordance with the requirements of this section.

14.8.5 Employees

- a. Individual employees affected by this section are required to read, understand and comply with the requirements of this section.
- b. Report all violations of the requirements of this section to their supervisor or Safety Focal Point.

14.9 References

Incorporated References

The following list of references is incorporated as a whole or in part into this section. These references can provide additional explanation or guidance for the implementation of this section.

14.9.1 National Oceanic and Atmospheric Administration Administrative Order NAO216-6

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“Environmental Review Procedures for Implementing the National Environmental Policy Act,” <http://www.rdc.noaa.gov/~nao/216-6.html>

ATTACHMENT A
NOAA Environmental Checklist for Proposed Actions

Date:

Name:

Project Number:

Detailed project description: (please be as specific as possible; include breakdown of tasks, scope of project, schedule (for example, date construction begins, duration of activities, completion date), budget, points of contact, and any permits required):

CONDITION FOR PROPOSED ACTIONS ¹		PRESENT ²	
		YES	NO
1.	<p>Will the proposed action degrade, disturb, or alter threatened or endangered animals or plants or their habitat? If it is not known whether the affected animals or plants are threatened or endangered, check YES.</p> <p>Sources: U.S. Fish and Wildlife Service (USFWS) and The Nature Conservancy (TNC)</p>		
2.	<p>Will the proposed action degrade or disturb previously undisturbed areas?</p> <p>Sources: TNC and visual site inspection</p>		
2a.	<p>Will the proposed action degrade or disturb an area that has been severely degraded?</p> <p>Sources: TNC and visual site inspection</p>		
3.	<p>Will the proposed action affect any areas that normally are inundated by water?</p> <p>Sources: U.S. Army Corps of Engineers (USACE), U.S. Geological Survey (USGS), and wetlands delineation maps</p>		
3a.	<p>Will the proposed action create erosion and sedimentation or other types of pollution (for example, wastewater, chemical pollution) that will affect inundated areas?</p> <p>Sources: USACE, USGS wetlands delineation maps, county soil conservation office, and county soil survey</p>		
5.	<p>Will the proposed action affect other water resources such as surface or groundwater?</p> <p>Sources: USGS wetlands delineation maps, groundwater modeling</p>		
6.	<p>Will the proposed action affect areas within the 100-year flood plain?</p> <p>Sources: County planning office, flood insurance rate maps (FIRM), USACE</p>		
7.	<p>Will the proposed action disturb archaeological resources?</p> <p>Will the proposed action require any subsurface disturbance? If yes, has the affected area been disturbed previously? If no or unknown, check YES.</p> <p>Source: State Historic Preservation Officer (SHPO)</p>		

CONDITION FOR PROPOSED ACTIONS ¹		PRESENT ²	
		YES	NO
8.	<p>Will the proposed action disturb historic resources?</p> <p>Will the proposed action require the disturbance of any buildings or structures constructed 40 or more years ago?</p> <p>Sources: SHPO and local historic preservation office</p>		
9.	<p>Will the proposed action result (directly or indirectly) in the generation of large amounts of air pollution?</p> <p>Sources: Project plans and local or state air regulatory agency</p>		
9a.	<p>Will the proposed action require any type of air quality permit?</p> <p>Source: Local or state air regulatory agency</p>		
10.	<p>Will the proposed action affect any special status areas?</p> <p>Will the proposed action affect parks, wilderness areas, scenic rivers, or public recreation areas?</p> <p>Sources: National Park Service and county or city planning office</p>		
11.	<p>Will the proposed action require a change in 20 land use or create a conflict with existing land use?</p> <p>Sources: County or city planning office or master plan</p>		
11a.	<p>Will the proposed action adversely affect the value of adjacent properties?</p> <p>Source: County or city planning office</p>		
12.	<p>Will the proposed action generate large amounts of hazardous waste or any toxic waste?</p> <p>Source: Project plans</p>		
13.	<p>Will the proposed action have any effects on human health or safety?</p> <p>Sources: Project plans, and state or local department of health</p>		
13a.	<p>Will the proposed action emit dangerous levels of ionizing or nonionizing radiation?</p> <p>Source: Project plans</p>		

CONDITION FOR PROPOSED ACTIONS ¹		PRESENT ²	
		YES	NO
14.	Will the proposed action create high levels of noise for an extended period of time? Sources: Equipment manufacturer's information and noise modeling		
15.	Will the proposed action have long or short term aesthetic effects? Will it produce any visual effects or effects on scenery? Source: Project plans		
15a.	Will the proposed action require large amounts of outdoor lighting or create any unusual odors? Source: Project plans		
16	Will the proposed action require large amounts of water or electricity for an extended period of time? Source: Project plans		
17.	Will the proposed action have long- or short-term effects on transportation infrastructure? Will the proposed action result in a large increase in local traffic? Source: Project plans		
17a.	Will the proposed action require the expansion or upgrading of roads or bridges? Source: Project plans and state department of transportation.		
18.	Although the effects of the proposed action may not be significant, do those effects add measurably to existing or reasonably foreseeable adverse conditions (resulting from local, state, federal, or private actions)?		
19.	Will the proposed action require the disturbance of any suspected or confirmed asbestos containing materials?		

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¹ The proposed action being assessed must be fully or partially funded, regulated, conducted, or approved by NOAA.

² All environmental resource areas for which YES is checked must be addressed in subsections of the "Affected Environment" and "Environmental Consequences" sections of the Environmental Assessment.

If YES was checked for any of the items above, please list the item number, provide additional information about anticipated effects, and contact the NOAA Administrative Support Center Regional Environmental Compliance Officer as soon as possible.

NOAA Categorical Exclusions

If none of the items on the checklist were marked YES, select the applicable categorical exclusion (CX) below. If none apply, or if you have any questions about the applicability of the CX, please contact the NOAA Administrative Support Center Regional Environmental Compliance Officer.

APPLICABLE? YES/NO	CATEGORY	DESCRIPTION
	Research	Programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples include natural resource inventories and environmental monitoring programs. Such projects may be conducted in a wide geographic area without need for an EA or an EIS provided related environmental consequences have a short-term effect.
	Financial and Planning Grants	Financial support services and programs, such as federal or state loans or grants where no environmental consequences are anticipated beyond those already analyzed in establishing such programs, laws, or regulations. If no initial analysis was prepared, NOAA would not require preparation of a retroactive environmental document. New financial support services and programs should undergo an environmental analysis at the time of conception to determine if a CX could apply to subsequent actions.
	Minor Planning Activities	Projects where the proposal is for environmental restoration or rehabilitation such as adding picnic facilities to a coastal recreation

APPLICABLE? YES/NO	CATEGORY	DESCRIPTION
		area unless the project's impacts in conjunction with past, present or reasonably foreseeable future actions could result in a significant impact to the human environment (CEQ sec. 1508.7).
	Pre-proposal Actions	Planning actions before a proposal exists do not require NEPA analysis. A "proposal" exists at that stage in the development of an action when a NOAA organization has a goal and begins its decision-making process, including consideration of environmental impacts, toward realization of that goal (CEQ 1508.23).
	Programmatic Functions	<p>The following NOAA programmatic functions with no potential for significant environmental impacts are generally exempt from the environmental documentation requirements of NEPA:</p> <ul style="list-style-type: none"> ! Routine experimental procedures ! Program plans and budgets ! Mapping, charting, and surveying services, ship support ! Fisheries financial support services ! Basic research or research grants except as provided in section 6.02c.3 of NAO 216-6 ! Enforcement operations, basic environmental services such as weather observations, communications, analyses, and predictions ! Environmental satellite services ! Environmental data and information services ! Air quality observations and analysis ! Support of international global atmospheric and Great Lakes Research programs ! Executive direction ! Administrative services ! Administrative support of the National Advisory Committee on Oceans and Atmosphere and other advisory bodies.
	Regulations Implementing Projects or Plans	When an EA or EIS has been or will be prepared for specific projects or plans serving as the basis for the following activities, implementation of regulations within the scope of the plan and related NEPA documents will receive a CX. Examples include: coastal zone management programs; national estuarine or marine sanctuaries; fishery management plans; and regulations and waivers issued under sec. 101(a)(2), and 101(a)(3) of the Marine Mammal Protection Act (MMPA).
	Permits	Permits for scientific research and public display under the Endangered Species Act (ESA) and MMPA and grants under MMPA.

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APPLICABLE? YES/NO	CATEGORY	DESCRIPTION
	Listing Actions Under Sec. 4(a) of ESA	ESA listing, delisting, and reclassifying species and designating critical habitat.
	Others	Other categories of actions which would not have significant environmental impacts, including routine operations, routine maintenance, actions with short-term effects, or actions of limited size or magnitude.